

## REFERENCES IN TEXT

The date of enactment of this section, referred to in text, is the date of enactment of Pub. L. 110-432, which was approved Oct. 16, 2008.

## SUBTITLE VI—MOTOR VEHICLE AND DRIVER PROGRAMS

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## AMENDMENTS

1997—Pub. L. 105-102, §2(17), Nov. 20, 1997, 111 Stat. 2205, substituted “National Motor Vehicle Title Information System” for “National Automobile Title Information System” in item for chapter 305.

## PART A—GENERAL

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<sup>1</sup> So in original. Probably should be “31100”.

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## AMENDMENTS

2005—Pub. L. 109-59, title X, §10303(a), Aug. 10, 2005, 119 Stat. 1940, which directed amendment of the table of sections for chapter 301 by adding item 30128, without specifying the title to be amended, was executed to the table of sections for this chapter, to reflect the probable intent of Congress.

Pub. L. 109-59, title X, §10208(b), Aug. 10, 2005, 119 Stat. 1936, added item 30106.

2000—Pub. L. 106-414, §5(b)(2), Nov. 1, 2000, 114 Stat. 1804, added item 30170.

1998—Pub. L. 105-178, title VII, §7104(b), June 9, 1998, 112 Stat. 467, added item 30105.

## SUBCHAPTER I—GENERAL

## § 30101. Purpose and policy

The purpose of this chapter is to reduce traffic accidents and deaths and injuries resulting from traffic accidents. Therefore it is necessary—

(1) to prescribe motor vehicle safety standards for motor vehicles and motor vehicle equipment in interstate commerce; and

(2) to carry out needed safety research and development.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 941.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30101 .....	15:1381.	Sept. 9, 1966, Pub. L. 89-563, §1, 80 Stat. 718.

The words “Congress hereby declares that”, “to persons”, and “Congress determines that” are omitted as surplus. The words “motor vehicle” before “equipment” are added for consistency. The words “and to expand the national driver register” are omitted because

<sup>1</sup> So in original. Does not conform to section catchline.

section 401 of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563, 80 Stat. 730), the only section in this law related to the national driver register, was superseded by the National Driver Register Act of 1982 (Public Law 97-364, 96 Stat. 1740).

#### SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-140, title I, §101, Dec. 19, 2007, 121 Stat. 1498, provided that: "This subtitle [subtitle A (§§101-113) of title I of Pub. L. 110-140, enacting section 32304A of this title, amending sections 32308, 32901 to 32904, 32905, 32906, 32908, and 32912 of this title, and enacting provisions set out as notes under sections 32902, 32904, and 32908 of this title] may be cited as the 'Ten-in-Ten Fuel Economy Act'."

#### SHORT TITLE OF 2005 AMENDMENT

Pub. L. 109-59, title IV, §4001, Aug. 10, 2005, 119 Stat. 1714, provided that: "This title [see Tables for classification] may be cited as the 'Motor Carrier Safety Reauthorization Act of 2005'."

#### SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-414, §1, Nov. 1, 2000, 114 Stat. 1800, provided that: "This Act [enacting section 30170 of this title, amending sections 30115, 30117, 30118, 30120, 30165, and 30166 of this title, and enacting provisions set out as notes under sections 30111, 30115, 30118, 30123, and 30127 of this title] may be cited as the 'Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act'."

#### SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-178, title VII, §7101, June 9, 1998, 112 Stat. 465, provided that: "This subtitle [subtitle A (§§7101-7107) of title VII of Pub. L. 105-178, enacting section 30105 of this title, amending sections 30104, 30114, 30120, 30123, 30127, 32102, 32304, and 32705 of this title, and enacting provisions set out as notes under this section and sections 30114 and 30127 of this title] may be cited as the 'National Highway Traffic Safety Administration Reauthorization Act of 1998'."

#### SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-152, §1, July 2, 1996, 110 Stat. 1384, provided that: "This Act [amending sections 30501 to 30505 and 33109 of this title and enacting provisions set out as a note under section 30502 of this title] may be cited as the 'Anti-Car Theft Improvements Act of 1996'."

#### SIDE-IMPACT CRASH PROTECTION RULEMAKING

Pub. L. 109-59, title X, §10302, Aug. 10, 2005, 119 Stat. 1940, provided that:

"(a) RULEMAKING.—The Secretary [of Transportation] shall complete a rulemaking proceeding under chapter 301 of title 49, United States Code, to establish a standard designed to enhance passenger motor vehicle occupant protection, in all seating positions, in side impact crashes. The Secretary shall issue a final rule by July 1, 2008.

"(b) DEADLINES.—If the Secretary determines that the deadline for a final rule under this section cannot be met, the Secretary shall—

"(1) notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce and explain why that deadline cannot be met; and

"(2) establish a new deadline."

#### VEHICLE BACKOVER AVOIDANCE TECHNOLOGY STUDY; NONTRAFFIC INCIDENT DATA COLLECTION

Pub. L. 109-59, title X, §§10304, 10305, Aug. 10, 2005, 119 Stat. 1940, 1941, provided that:

"SEC. 10304. VEHICLE BACKOVER AVOIDANCE TECHNOLOGY STUDY.

"(a) IN GENERAL.—The Administrator of the National Highway Traffic Safety Administration shall conduct a

study of effective methods for reducing the incidence of injury and death outside of parked passenger motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds attributable to movement of such vehicles. The Administrator shall complete the study within 1 year after the date of enactment of this Act [Aug. 10, 2005] and report its findings to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce not later than 15 months after the date of enactment of this Act.

"(b) SPECIFIC ISSUES TO BE COVERED.—The study required by subsection (a) shall—

"(1) include an analysis of backover prevention technology;

"(2) identify, evaluate, and compare the available technologies for detecting people or objects behind a motor vehicle with a gross vehicle weight rating of not more than 10,000 pounds for their accuracy, effectiveness, cost, and feasibility for installation; and

"(3) provide an estimate of cost savings that would result from widespread use of backover prevention devices and technologies in motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds, including savings attributable to the prevention of—

"(A) injuries and fatalities; and

"(B) damage to bumpers and other motor vehicle parts and damage to other objects.

"SEC. 10305. NONTRAFFIC INCIDENT DATA COLLECTION.

"(a) IN GENERAL.—In conjunction with the study required in section 10304, the National Highway Traffic Safety Administration shall establish a method to collect and maintain data on the number and types of injuries and deaths involving motor vehicles with a gross vehicle weight rating of not more than 10,000 pounds in non-traffic incidents.

"(b) DATA COLLECTION AND PUBLICATION.—The Secretary of Transportation shall publish the data collected under subsection (a) no less frequently than biennially."

#### STUDY ON INTERIOR DEVICE TO RELEASE TRUNK LID

Pub. L. 105-178, title VII, §7106(e), June 9, 1998, 112 Stat. 469, required the National Highway Traffic Safety Administration to conduct a study of the benefits to motor vehicle drivers of a regulation to require the installation in a motor vehicle of an interior device to release the trunk lid and to submit a report on the results of the study to the Committee on Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after June 9, 1998.

#### NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AUTHORIZATION ACT OF 1991

Pub. L. 102-240, title II, part B, Dec. 18, 1991, 105 Stat. 2081, as amended by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, provided that:

"SEC. 2500. SHORT TITLE.

"This part may be cited as the 'National Highway Traffic Safety Administration Authorization Act of 1991'.

"[SEC. 2501. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379.]

"SEC. 2502. GENERAL PROVISIONS.

"(a) DEFINITIONS.—As used in this part—

"(1) the term 'bus' means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons;

"(2) the term 'multipurpose passenger vehicle' means a motor vehicle with motive power (except a trailer), designed to carry 10 persons or fewer, which is constructed either on a truck chassis or with special features for occasional off-road operation;

"(3) the term 'passenger car' means a motor vehicle with motive power (except a multipurpose passenger

vehicle, motorcycle, or trailer), designed for carrying 10 persons or fewer;

“(4) the term ‘truck’ means a motor vehicle with motive power, except a trailer, designed primarily for the transportation of property or special purpose equipment; and

“(5) the term ‘Secretary’ means the Secretary of Transportation.

“(b) PROCEDURE.—

“(1) IN GENERAL.—Except as provided in paragraph (2), any action taken under section 2503 shall be taken in accordance with the applicable provisions of the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.).

“(2) SPECIFIC PROCEDURE.—

“(A) INITIATION.—To initiate an action under section 2503, the Secretary shall, not later than May 31, 1992, publish in the Federal Register an advance notice of proposed rulemaking or a notice of proposed rulemaking, except that if the Secretary is unable to publish such a notice by such date, the Secretary shall by such date publish in the Federal Register a notice that the Secretary will begin such action by a certain date which may not be later than January 31, 1993 and include in such notice the reasons for the delay. A notice of delayed action shall not be considered agency action subject to judicial review. If the Secretary publishes an advance notice of proposed rulemaking, the Secretary is not required to follow such notice with a notice of proposed rulemaking if the Secretary determines on the basis of such advanced notice and the comments received thereon that the contemplated action should not be taken under the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.), including the provisions of section 103 of such Act ([formerly] 15 U.S.C. 1392), and if the Secretary publishes the reasons for such determination consistent with chapter 5 of title 5, United States Code.

“(B) COMPLETION.—

“(i) PERIOD.—Action under paragraphs (1) through (4) of section 2503 which was begun under subparagraph (A) shall be completed within 26 months of the date of publication of an advance notice of proposed rulemaking or 18 months of the date of publication of a notice of proposed rulemaking. The Secretary may extend for any reason the period for completion of a rulemaking initiated by the issuance of a notice of proposed rulemaking for not more than 6 months if the Secretary publishes the reasons for such extension. The extension of such period shall not be considered agency action subject to judicial review.

“(ii) ACTION.—A rulemaking under paragraphs (1) through (4) of section 2503 shall be considered completed when the Secretary promulgates a final rule or when the Secretary decides not to promulgate a rule (which decision may include deferral of the action or reinitiation of the action). The Secretary may not decide against promulgation of a final rule because of lack of time to complete rulemaking. Any such rulemaking actions shall be published in the Federal Register, together with the reasons for such decisions, consistent with chapter 5 of title 5, United States Code, and the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.).

“(iii) SPECIAL RULE.—

“(I) PERIOD.—Action under paragraph (5) of section 2503 which was begun under subparagraph (A) shall be completed within 24 months of the date of publication of an advance notice of proposed rulemaking or a notice of proposed rulemaking. If the Secretary determines that there is a need for delay and if the public comment period is closed, the Secretary may extend the date for completion for not more than 6 months and shall publish in the Federal Reg-

ister a notice stating the reasons for the extension and setting a date certain for completion of the action. The extension of the completion date shall not be considered agency action subject to judicial review.

“(II) ACTION.—A rulemaking under paragraph (5) of section 2503 shall be considered completed when the Secretary promulgates a final rule with standards on improved head injury protection.

“(C) STANDARD.—The Secretary may, as part of any action taken under section 2503, amend any motor vehicle safety standard or establish a new standard under the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.).

“SEC. 2503. MATTERS BEFORE THE SECRETARY.

“The Secretary shall address the following matters in accordance with section 2502:

“(1) Protection against unreasonable risk of rollovers of passenger cars, multipurpose passenger vehicles, and trucks with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less.

“(2) Extension of passenger car side impact protection to multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 8,500 pounds or less and an unloaded vehicle weight of 5,500 pounds or less.

“(3) Safety of child booster seats used in passenger cars and other appropriate motor vehicles.

“(4) Improved design for safety belts.

“(5) Improved head impact protection from interior components of passenger cars (i.e. roof rails, pillars, and front headers).

“[SECS. 2504, 2505. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379.]

“SEC. 2506. REAR SEATBELTS.

“The Secretary shall expend such portion of the funds authorized to be appropriated under the Motor Vehicle Information and Cost Savings Act ([formerly] 15 U.S.C. 1901 et seq.), for fiscal year 1993, as the Secretary deems necessary for the purpose of disseminating information to consumers regarding the manner in which passenger cars may be retrofitted with lap and shoulder rear seatbelts.

“SEC. 2507. BRAKE PERFORMANCE STANDARDS FOR PASSENGER CARS.

“Not later than December 31, 1993, the Secretary, in accordance with the National Traffic and Motor Vehicle Safety Act of 1966 ([formerly] 15 U.S.C. 1381 et seq.), shall publish an advance notice of proposed rulemaking to consider the need for any additional brake performance standards for passenger cars, including antilock brake standards. The Secretary shall complete such rulemaking (in accordance with section 2502(b)(2)(B)(ii)) not later than 36 months from the date of initiation of such advance notice of proposed rulemaking. In order to facilitate and encourage innovation and early application of economical and effective antilock brake systems for all such vehicles, the Secretary shall, as part of the rulemaking, consider any such brake system adopted by a manufacturer.

“[SEC. 2508. Repealed. Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379.]

“SEC. 2509. HEAD INJURY IMPACT STUDY.

“The Secretary, in the case of any head injury protection matters not subject to section 2503(5) for which the Secretary is on the date of enactment of this Act [Dec. 18, 1991] examining the need for rulemaking and is conducting research, shall provide a report to Congress by the end of fiscal year 1993 identifying those matters and their status. The report shall include a statement of any actions planned toward initiating such rulemaking no later than fiscal year 1994 or 1995 through use of either an advance notice of proposed

rulemaking or a notice of proposed rulemaking and completing such rulemaking as soon as possible thereafter.”

#### FUEL SYSTEM INTEGRITY STANDARD

Pub. L. 93-492, title I, § 108, Oct. 27, 1974, 88 Stat. 1482, provided that:

“(a) RATIFICATION OF STANDARD.—Federal Motor Vehicle Safety Standard Number 301 (49 CFR 571.301-75; Docket No. 73-20, Notice 2) as published on March 21, 1974 (39 F.R. 10588-10590) shall take effect on the dates prescribed in such standard (as so published).

“(b) AMENDMENT OR REPEAL OF STANDARD.—The Secretary may amend the standard described in subsection (a) in order to correct technical errors in the standard, and may amend or repeal such standard if he determines such amendment or repeal will not diminish the level of motor vehicle safety.”

EX. ORD. NO. 11357. ADMINISTRATION OF TRAFFIC AND MOTOR VEHICLE SAFETY THROUGH NATIONAL HIGHWAY SAFETY BUREAU AND ITS DIRECTOR

Ex. Ord. No. 11357, June 6, 1967, 32 F.R. 8225, provided: By virtue of the authority vested in me as President of the United States by Section 201 of the Highway Safety Act of 1966, as amended (80 Stat. 735, 943) [set out as a note under section 401 of Title 23, Highways], and by Section 3(f)(3) of the Department of Transportation Act (80 Stat. 932) [former 49 U.S.C. 1652(f)(3)], it is hereby ordered that the provisions of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (80 Stat. 718, 943) [formerly 15 U.S.C. 1381 et seq.], shall be carried out through the National Highway Safety Bureau and the Director thereof.

LYNDON B. JOHNSON.

### § 30102. Definitions

(a) GENERAL DEFINITIONS.—In this chapter—

(1) “dealer” means a person selling and distributing new motor vehicles or motor vehicle equipment primarily to purchasers that in good faith purchase the vehicles or equipment other than for resale.

(2) “defect” includes any defect in performance, construction, a component, or material of a motor vehicle or motor vehicle equipment.

(3) “distributor” means a person primarily selling and distributing motor vehicles or motor vehicle equipment for resale.

(4) “interstate commerce” means commerce between a place in a State and a place in another State or between places in the same State through another State.

(5) “manufacturer” means a person—

(A) manufacturing or assembling motor vehicles or motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

(6) “motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(7) “motor vehicle equipment” means—

(A) any system, part, or component of a motor vehicle as originally manufactured;

(B) any similar part or component manufactured or sold for replacement or improvement of a system, part, or component, or as an accessory or addition to a motor vehicle; or

(C) any device or an article or apparel (except medicine or eyeglasses prescribed by a

licensed practitioner) that is not a system, part, or component of a motor vehicle and is manufactured, sold, delivered, offered, or intended to be used only to safeguard motor vehicles and highway users against risk of accident, injury, or death.

(8) “motor vehicle safety” means the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.

(9) “motor vehicle safety standard” means a minimum standard for motor vehicle or motor vehicle equipment performance.

(10) “State” means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

(11) “United States district court” means a district court of the United States, a United States court for Guam, the Virgin Islands, and American Samoa, and the district court for the Northern Mariana Islands.

(b) LIMITED DEFINITIONS.—(1) In sections 30117(b), 30118-30121, and 30166(f) of this title—

(A) “adequate repair” does not include repair resulting in substantially impaired operation of a motor vehicle or motor vehicle equipment;

(B) “first purchaser” means the first purchaser of a motor vehicle or motor vehicle equipment other than for resale;

(C) “original equipment” means motor vehicle equipment (including a tire) installed in or on a motor vehicle at the time of delivery to the first purchaser;

(D) “replacement equipment” means motor vehicle equipment (including a tire) that is not original equipment;

(E) a brand name owner of a tire marketed under a brand name not owned by the manufacturer of the tire is deemed to be the manufacturer of the tire;

(F) a defect in original equipment, or noncompliance of original equipment with a motor vehicle safety standard prescribed under this chapter, is deemed to be a defect or noncompliance of the motor vehicle in or on which the equipment was installed at the time of delivery to the first purchaser;

(G) a manufacturer of a motor vehicle in or on which original equipment was installed when delivered to the first purchaser is deemed to be the manufacturer of the equipment; and

(H) a retreader of a tire is deemed to be the manufacturer of the tire.

(2) The Secretary of Transportation may prescribe regulations changing paragraph (1)(C), (D), (F), or (G) of this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 941.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30102(a)(1) ..	15:1391(7).  15:1391(10).  49 App.:1655(a)(6)(A).	Sept. 9, 1966, Pub. L. 89-563, §102(1)-(3), (5)-(9), (11), (12), 80 Stat. 718, 719. Sept. 9, 1966, Pub. L. 89-563, §102(10), 80 Stat. 718; re-stated Oct. 27, 1974, Pub. L. 93-492, §110(a), 88 Stat. 1484. Oct. 15, 1966, Pub. L. 89-670, §6(a)(6)(A), 80 Stat. 938.
30102(a)(2) ..	15:1391(11).	
30102(a)(3) ..	15:1391(6).	
30102(a)(4) ..	15:1391(9).	
30102(a)(5) ..	15:1391(5).	
30102(a)(6) ..	15:1391(3).	
30102(a)(7) ..	15:1391(4).	Sept. 9, 1966, Pub. L. 89-563, §102(4), 80 Stat. 718; re-stated May 22, 1970, Pub. L. 91-265, §2, 84 Stat. 262.
30102(a)(8) ..	15:1391(1).	
30102(a)(9) ..	15:1391(2).	
30102(a)(10) ..	15:1391(8).	
30102(a)(11) ..	15:1391(12).	
30102(b) .....	15:1419.	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §159; added Oct. 27, 1974, Pub. L. 93-492, §102(a), 88 Stat. 1476.

In subsection (a), the definitions apply to the entire chapter because of references in 15:1421-1431 applying 15:1391-1420 to 15:1421-1431. Before clause (1), the words “As used” are omitted as surplus. In clause (1), the text of 15:1391(10) and 49 App.:1655(a)(6)(A) is omitted as surplus because the complete name of the Secretary of Transportation is used the first time the term appears in a section. The words “selling and distributing” are substituted for “who is engaged in the sale and distribution of” to eliminate unnecessary words. The word “purposes” is omitted as surplus. In clause (3), the words “selling and distributing” are substituted for “engaged in the sale and distribution of” to eliminate unnecessary words. In clause (5)(A), the words “manufacturing or assembling” are substituted for “engaged in the manufacturing or assembling of” to eliminate unnecessary words. In clause (7), the words “physician or other duly” and “drivers, passengers, and other” are omitted as surplus. In clause (8), the words “is also protected” and “to persons” are omitted as unnecessary. In clause (9), the words “which is practicable, which meets the need for motor vehicle safety and which provides objective criteria” are omitted as unnecessary because of 15:1392(a) which is restated in section 30111 of the revised title. In clauses (10) and (11), the words “the Northern Mariana Islands” are added because of section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, as enacted by the Act of March 24, 1976 (Public Law 94-241, 90 Stat. 268), and as proclaimed to be in effect by the President on January 9, 1978 (Proc. No. 4534, Oct. 24, 1977, 42 F.R. 56593). The words “the Canal Zone” are omitted because of the Panama Canal Treaty of 1977. In clause (10), the word “means” is substituted for “includes” as being more appropriate. The words “a State of the United States” are substituted for “each of the several States” for consistency. The words “the Commonwealth of” are omitted as surplus. In clause (11), the word “Federal” is omitted as surplus. The words “of the Commonwealth of Puerto Rico” are omitted as unnecessary because the district court of Puerto Rico is a district court of the United States under 28:119.

In subsection (b)(1), before clause (A), the words “The term” and “the term” are omitted as surplus. In clause (B), the words “of a motor vehicle or motor vehicle equipment” are added for clarity. In clause (E), the words “to be” are added for consistency. The words “marketed under such brand name” are omitted as surplus. In clause (F), the words “a motor vehicle safety standard prescribed under this chapter” are added for clarity and consistency. The word “noncompliance” is substituted for “failure to comply” for consistency in the chapter. In clause (G), the words “(rather than the

manufacturer of such equipment)” are omitted as surplus. The words “deemed to be” are substituted for “considered” for consistency. In clause (H), the words “which have been” are omitted as surplus.

Subsection (b)(2) is substituted for “Except as otherwise provided in regulations of the Secretary” for clarity and because of the restatement.

## LOW-SPEED ELECTRIC BICYCLES

Pub. L. 107-319, §2, Dec. 4, 2002, 116 Stat. 2776, provided that: “For purposes of motor vehicle safety standards issued and enforced pursuant to chapter 301 of title 49, United States Code, a low-speed electric bicycle (as defined in section 38(b) of the Consumer Product Safety Act [15 U.S.C. 2085(b)]) shall not be considered a motor vehicle as defined by section 30102(6) of title 49, United States Code.”

## § 30103. Relationship to other laws

(a) UNIFORMITY OF REGULATIONS.—The Secretary of Transportation may not prescribe a safety regulation related to a motor vehicle subject to subchapter I of chapter 135 of this title that differs from a motor vehicle safety standard prescribed under this chapter. However, the Secretary may prescribe, for a motor vehicle operated by a carrier subject to subchapter I of chapter 135, a safety regulation that imposes a higher standard of performance after manufacture than that required by an applicable standard in effect at the time of manufacture.

(b) PREEMPTION.—(1) When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. However, the United States Government, a State, or a political subdivision of a State may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the otherwise applicable standard under this chapter.

(2) A State may enforce a standard that is identical to a standard prescribed under this chapter.

(c) ANTITRUST LAWS.—This chapter does not—

(1) exempt from the antitrust laws conduct that is unlawful under those laws; or

(2) prohibit under the antitrust laws conduct that is lawful under those laws.

(d) WARRANTY OBLIGATIONS AND ADDITIONAL LEGAL RIGHTS AND REMEDIES.—Sections 30117(b), 30118-30121, 30166(f), and 30167(a) and (b) of this title do not establish or affect a warranty obligation under a law of the United States or a State. A remedy under those sections and sections 30161 and 30162 of this title is in addition to other rights and remedies under other laws of the United States or a State.

(e) COMMON LAW LIABILITY.—Compliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 943; Pub. L. 104-88, title III, §308(j), Dec. 29, 1995, 109 Stat. 947.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30103(a) .....	15:1392(g).	Sept. 9, 1966, Pub. L. 89-563, §§103(g), 105(a)(6), 116, 80 Stat. 720, 721, 727.
30103(b) .....	15:1392(d).	Sept. 9, 1966, Pub. L. 89-563, §103(d), 80 Stat. 719; Oct. 15, 1982, Pub. L. 97-331, §3, 96 Stat. 1619.
30103(c) .....	15:1405.	Sept. 9, 1966, Pub. L. 89-563, 80 Stat. 718, §§124(e), 160; added Oct. 27, 1974, Pub. L. 93-492, §§102(a), 106, 88 Stat. 1477, 1481.
30103(d) .....	15:1394(a)(6). 15:1410a(e).	
	15:1420. 15:1397(k).	
30103(e) .....		Sept. 9, 1966, Pub. L. 89-563, §108(k), 80 Stat. 723; Oct. 31, 1988, Pub. L. 100-562, §2(b), 102 Stat. 2818.

In subsection (a), the words “or the Transportation of Explosives Act, as amended (18 U.S.C. 831-835)” are omitted as obsolete because 18:831-835 have been repealed. The word “prescribe” is substituted for “adopt” for consistency. The words “or continue in effect” and “In prescribing safety regulations” are omitted as surplus. The word “prescribed” is substituted for “issued” for consistency. The words “to comply” and “Federal” are omitted as surplus. The words “in effect” are added for clarity.

In subsection (b)(1), the word “Federal” is omitted as surplus. The word “prescribe” is substituted for “either to establish, or to continue in effect” for consistency and to eliminate unnecessary words. The words “standard prescribed under this chapter” are substituted for “Federal standard” for clarity. The words “However, the United States . . . may prescribe” are substituted for “Nothing in this section shall be construed to prevent the Federal . . . from establishing” for consistency. The words “of a State” are substituted for “thereof” for clarity. The word “standard” is substituted for “safety requirement” for consistency. The words “performance requirement” are substituted for “standard of performance” to avoid using “standard” in 2 different ways.

Subsection (b)(2) is substituted for 15:1392(d) (2d sentence) for consistency and to eliminate unnecessary words.

In subsection (c), the words “be deemed to” and “of the United States” are omitted as surplus.

In subsection (d), the words “United States” are substituted for “Federal” in 15:1420 for consistency. The words “Consumer” in 15:1420, “not in lieu of” in 15:1410a(e) and 1420, and “not in substitution for” in 15:1394(a)(6) are omitted as surplus. The word “other” is added for clarity.

## AMENDMENTS

1995—Subsec. (a). Pub. L. 104-88 substituted “subchapter I of chapter 135” for “subchapter II of chapter 105” in two places.

## EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of this title.

## § 30104. Authorization of appropriations

There is authorized to be appropriated to the Secretary \$98,313,500 for the National Highway Traffic Safety Administration to carry out this part in each fiscal year beginning in fiscal year 1999 and ending in fiscal year 2001.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 944; Pub. L. 105-178, title VII, §7102(a), June 9, 1998, 112 Stat. 465; Pub. L. 106-39, §1(a), July 28, 1999, 113 Stat. 206.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30104 .....	15:1392 (note).	Dec. 18, 1991, Pub. L. 102-240, §2501(a), 105 Stat. 2081.

In this section, before clause (1), the words “to the Secretary of Transportation for the National Highway Traffic Safety Administration” are substituted for “For the National Highway Traffic Safety Administration” for clarity and consistency in the revised title and with other titles of the United States Code. The reference to fiscal year 1992 is omitted as obsolete.

## AMENDMENTS

1999—Pub. L. 106-39 substituted “\$98,313,500” for “\$81,200,000”.

1998—Pub. L. 105-178 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “The following amounts may be appropriated to the Secretary of Transportation for the National Highway Traffic Safety Administration to carry out this chapter:

“(1) \$71,333,436 for the fiscal year ending September 30, 1993.

“(2) \$74,044,106 for the fiscal year ending September 30, 1994.

“(3) \$76,857,782 for the fiscal year ending September 30, 1995.”

## § 30105. Restriction on lobbying activities

(a) IN GENERAL.—No funds appropriated to the Secretary for the National Highway Traffic Safety Administration shall be available for any activity specifically designed to urge a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body.

(b) APPEARANCE AS WITNESS NOT BARRED.—Subsection (a) does not prohibit officers or employees of the United States from testifying before any State or local legislative body in response to the invitation of any member of that legislative body or a State executive office.

(Added and amended Pub. L. 105-178, title VII, §7104(a), (c), June 9, 1998, 112 Stat. 466; Pub. L. 105-206, title IX, §9012(a), July 22, 1998, 112 Stat. 864.)

## AMENDMENTS

1998—Subsec. (a). Pub. L. 105-178, §7104(c), as added by Pub. L. 105-206, inserted “for the National Highway Traffic Safety Administration” after “Secretary”.

## EFFECTIVE DATE OF 1998 AMENDMENT

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, and provisions of Pub. L. 105-178, as in effect on day before July 22, 1998, that are amended by title IX of Pub. L. 105-206 to be treated as not enacted, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

## § 30106. Rented or leased motor vehicle safety and responsibility

(a) IN GENERAL.—An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of

the use, operation, or possession of the vehicle during the period of the rental or lease, if—

(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).

(b) **FINANCIAL RESPONSIBILITY LAWS.**—Nothing in this section supersedes the law of any State or political subdivision thereof—

(1) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

(2) imposing liability on business entities engaged in the trade or business of renting or leasing motor vehicles for failure to meet the financial responsibility or liability insurance requirements under State law.

(c) **APPLICABILITY AND EFFECTIVE DATE.**—Notwithstanding any other provision of law, this section shall apply with respect to any action commenced on or after the date of enactment of this section without regard to whether the harm that is the subject of the action, or the conduct that caused the harm, occurred before such date of enactment.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **AFFILIATE.**—The term “affiliate” means a person other than the owner that directly or indirectly controls, is controlled by, or is under common control with the owner. In the preceding sentence, the term “control” means the power to direct the management and policies of a person whether through ownership of voting securities or otherwise.

(2) **OWNER.**—The term “owner” means a person who is—

(A) a record or beneficial owner, holder of title, lessor, or lessee of a motor vehicle;

(B) entitled to the use and possession of a motor vehicle subject to a security interest in another person; or

(C) a lessor, lessee, or a bailee of a motor vehicle, in the trade or business of renting or leasing motor vehicles, having the use or possession thereof, under a lease, bailment, or otherwise.

(3) **PERSON.**—The term “person” means any individual, corporation, company, limited liability company, trust, association, firm, partnership, society, joint stock company, or any other entity.

(Added Pub. L. 109–59, title X, §10208(a), Aug. 10, 2005, 119 Stat. 1935.)

#### REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

#### SUBCHAPTER II—STANDARDS AND COMPLIANCE

### § 30111. Standards

(a) **GENERAL REQUIREMENTS.**—The Secretary of Transportation shall prescribe motor vehicle

safety standards. Each standard shall be practicable, meet the need for motor vehicle safety, and be stated in objective terms.

(b) **CONSIDERATIONS AND CONSULTATION.**—When prescribing a motor vehicle safety standard under this chapter, the Secretary shall—

(1) consider relevant available motor vehicle safety information;

(2) consult with the agency established under the Act of August 20, 1958 (Public Law 85–684, 72 Stat. 635), and other appropriate State or interstate authorities (including legislative committees);

(3) consider whether a proposed standard is reasonable, practicable, and appropriate for the particular type of motor vehicle or motor vehicle equipment for which it is prescribed; and

(4) consider the extent to which the standard will carry out section 30101 of this title.

(c) **COOPERATION.**—The Secretary may advise, assist, and cooperate with departments, agencies, and instrumentalities of the United States Government, States, and other public and private agencies in developing motor vehicle safety standards.

(d) **EFFECTIVE DATES OF STANDARDS.**—The Secretary shall specify the effective date of a motor vehicle safety standard prescribed under this chapter in the order prescribing the standard. A standard may not become effective before the 180th day after the standard is prescribed or later than one year after it is prescribed. However, the Secretary may prescribe a different effective date after finding, for good cause shown, that a different effective date is in the public interest and publishing the reasons for the finding.

(e) **5-YEAR PLAN FOR TESTING STANDARDS.**—The Secretary shall establish and periodically review and update on a continuing basis a 5-year plan for testing motor vehicle safety standards prescribed under this chapter that the Secretary considers capable of being tested. In developing the plan and establishing testing priorities, the Secretary shall consider factors the Secretary considers appropriate, consistent with section 30101 of this title and the Secretary’s other duties and powers under this chapter. The Secretary may change at any time those priorities to address matters the Secretary considers of greater priority. The initial plan may be the 5-year plan for compliance testing in effect on December 18, 1991.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 944.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
30111(a) .....	15:1392(a), (b), (e) (1st sentence).	Sept. 9, 1966, Pub. L. 89–563, §§102(13), 103(a)–(c), (e), (f), 107 (related to standards), 80 Stat. 719, 721.
30111(b) .....	15:1391(13).	
30111(c) .....	15:1392(f).	
30111(c) .....	15:1396 (related to standards).	
30111(d) .....	15:1392(c), (e) (last sentence).	
30111(e) .....	15:1392(j).	Sept. 9, 1966, Pub. L. 89–563, 80 Stat. 718, §103(j); added Dec. 18, 1991, Pub. L. 102–240, §2505, 105 Stat. 2084.